

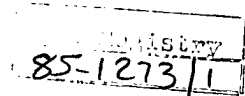
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DDA 85-127341

Central Intelligence Agency



Washington, D. C. 20505



10 OCT 1985

The Honorable Jack Brooks
Chairman
Committee on Government Operations
House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The enclosed report is submitted in compliance with the reporting requirements of the CIA Information Act of 1984. This report--due 15 October 1985--covers the six-month period from 15 March 1985 to 14 September 1985.

The period was highlighted by a significant reduction in the backlog, a marked improvement in the response time (when discounting old cases), and initiatives to improve the number and quality of personnel, the work environment, the organizational structure, and the processing system.

We are extremely pleased with the significant progress made during the reporting period, especially with the unprecedented reduction in our backlog of cases. In fact, as of this date our total backlog has fallen even further and now stands at 1,967 cases. The prospects for continued and even greater progress excites us all, especially our personnel responsible for processing FOIA cases.

Sincerely,

/s/ Harry E. Fitzwater

Harry E. Fitzwater
Deputy Director
for
Administration

Enclosure



Central Intelligence Agency



Washington, D.C. 20505

1985

The Honorable Dave Durenberger
Chairman
Select Committee on Intelligence
United States Senate
Washington, DC 20510

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Sincerely,

[Signature]

Harry E. Fitzwater
Deputy Director
for
Administration

Enclosure

Central Intelligence Agency



Washington, D. C. 20505

10 OCT 1985

The Honorable Lee H. Hamilton
Chairman
Permanent Select Committee
on Intelligence
House of Representatives
Washington, DC 20515

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Central Intelligence Agency



Washington, D. C. 20505

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Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

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Harry E. Fitzwater
Deputy Director
for
Administration

Enclosure

Second Report on FOIA Processing

Measures to Improve Processing

During this reporting period, the Agency has continued its efforts to improve its processing of FOIA requests. Within the Information and Privacy Division of the Office of Information Services (IPD/OIS)--the Coordinator's staff--the following initiatives were undertaken.

--Two more rehired annuitants were brought on as FOIA case officers and assigned to work unusually large FOIA cases. One began work in April and the other in August. Following a period of work on the easier cases under the tutelage of senior staff case officers, both are now ready to begin work as a team on older, more complex cases. IPD now has two teams of two rehired annuitants each available to finalize large FOIA cases. These annuitants and the team approach have already closed several large, complicated cases, and more of the same is expected.

--IPD's final two word processors have arrived. One is operational and has been assigned to the Appeals and Litigation Branch to speed up their correspondence with requesters. The other will be assigned to a staff case officer who is now sharing a word processor with another officer. Hook-up awaits the installation of cables, which will take place this fall. All staff case officers will then have their own word processors, which will speed correspondence with requesters. Two of the final five computer terminals have been received and installed, thus speeding up the work of the newly formed Support Services Branch. The remaining three terminals should arrive and become operational within the next few months. This will mean that all processing and support personnel have access to computer terminals which in turn will greatly facilitate the processing of cases.

--The IPD office space renovation is essentially complete. One object of the renovation was to move the Appeals and Litigation Branch into the same office space as the rest of the division. This has occurred, and the resulting improvement in communication among the three branches is paying significant dividends.

Despite the confusion, noise, dust, and dislocation resulting from renovation of the IPD office space, the work of the division was not disrupted, as evidenced by the response-time and workload results, and the net impact of these renovations and relocations is to reduce many of the physical impediments previously affecting our overall efficiency.

--Overtime continues to be used to prevent bottlenecks from developing in various stages of case processing within IPD. The division's queue of cases awaiting final response to the requester amounts to no more than two days' work at any given time.

--The new Support Services Branch is functioning smoothly and has proved to be a great improvement over the previous structure. This newly formed branch consolidates all processing-support functions within a single organizational entity, thus allowing management and chain-of-command concepts to be applied more effectively to the processing of FOIA cases. It has been especially effective in tracking cases to ensure that action continues to be taken and that none is sidetracked or lost.

--Conferences with directorate Information Review Officers (IROs)--and the joint initiatives these meetings have produced--have resulted in the completion of a large number of unusually complicated old cases that have been choking the system and delaying the processing of simpler cases which could otherwise be processed in a short period of time. These meetings have also served as a forum for discussion of processing procedures and any other problems that arise. The net result has been improvement in the processing of cases and a greater understanding and appreciation of processing issues unique to particular components.

--The position of Deputy Chief of IPD has been upgraded along with the designation of the incumbent as Associate Information and Privacy Coordinator. This gives the Deputy Chief increased authority in dealing with FOIA personnel throughout the Agency and provides IPD with a second senior officer directly responsible for the management of the Agency's FOIA program. This has also improved the management of the division staff personnel and their workload.

Other components of the Agency have taken steps to improve their processing as well:

--Within the Directorate of Administration several steps have been taken to improve processing. Additional secretarial help has been assigned to the IRO and increased use has been made of an automated log to track cases. The Office of Security has maintained its FOIA personnel level.

--The Office of the General Counsel has increased the personnel primarily engaged in FOIA processing by one part-time paralegal. In addition, an attorney who had partial responsibility for FOIA cases now devotes substantially more of his time to FOIA.

--The Directorate of Intelligence has added one full-time staff employee to its FOIA processing staff.

--The Directorate of Science and Technology, with the lightest case load of the four directorates, has added no new full-time personnel, but more personnel are assigned FOIA responsibilities on an ad hoc basis as the requirements levied on offices within that directorate dictate. This directorate has also made a special effort to complete its older cases and has asked IPD to alert the directorate IRO to any cases remaining open because of a lack of response from that directorate. Any such cases identified are then given special attention so that a final response to the requester can be made in the shortest possible time.

--The Directorate of Operations maintained its level of personnel primarily engaged in FOIA processing.

Budgetary and Personnel Allocations

As explained in our 15 April 1985 report, the funds, personnel, and equipment devoted to processing FOIA requests are necessarily an approximation based on the percentage of the workload made up of FOIA cases, since the personnel working on FOIA cases also process Privacy Act (PA) and Executive Order Mandatory Review (EO) requests. Thus far this year FOIA requests have constituted 51.3% of the requests received, while PA and EO requests amounted to 38.3% and 10.4% respectively.

There are Agency employees primarily or entirely tasked with processing FOIA/PA/EO requests. Eighty-seven of these are full-time staff employees, 18 are part-time staff, and 21 are rehired annuitants working two or three days a week. Our total

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FOIA/PA/EO manhours converted to manyears thus far this year would be 115, about the same as the 114 manyears reported for 1984. This is down somewhat from the April report, as expected, because of summer vacations. The estimated expenditure for personnel is [redacted] This figure is calculated by the same formula used for our annual reports to Congress, based on an average professional grade of GS-12/1 and an average clerical grade of GS-06/1 for FOIA personnel. Based on the workload percentages noted above, personnel expenditures for FOIA amounted to [redacted]. An additional \$157,100 was spent on office renovation and the acquisition of furniture, word processors, and computer terminals.

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Workload Trends

The file designations mandated by the CIA Information Act were in effect throughout this reporting period, but are just now beginning to show their effect on our FOIA workload, primarily in the form of reduced processing time for new cases. We expect the number of such cases to increase dramatically during the next reporting period as we close out even more of the large backlog of old cases opened prior to passage of the CIA Information Act. Even though the file designations are retroactive, a decision was made to continue processing cases that were substantially completed at the time the files were officially designated. This kept those requests that were almost ready for final response moving toward that goal.

The overall workload figures for the reporting period are as follows:

	<u>15 Mar 1985 Backlog</u>	<u>Cases Opened</u>	<u>Cases Closed</u>	<u>14 Sept 1985 Backlog</u>	<u>Net Reduction</u>
Total Backlog	2,642	1,425	2,012	2,055	587
FOIA Backlog	1,638	696	1,068	1,266	372

The reduction of the FOIA case backlog during this reporting period from 1,638 to 1,266--a reduction of 372 cases--represents a decrease of about 23% in our FOIA cases since 15 March, and a total reduction thus far of 36% since October 1984, the date the CIA Information Act became law. (A comparable reduction of PA and EO cases has also occurred--21% for the current reporting period and 26% since October 1984.) Inasmuch as requests received during this reporting period increased, we view the backlog reduction as an achievement of the highest order. We hope to reduce it even further.

Response Time

In the 15 April report, we reported an average response time of 14.5 months for the 880 FOIA cases completed during the 15 September-14 March reporting period. We believe that the average number of months required to process the 1,068 FOIA cases completed during the 15 March-14 September reporting period is misleading. Many of the cases completed during this period were several years old. While we are pleased to see these old, rather complex cases make their way through the review/coordination process, the length of time these have taken distorts the average response time. For this reason we regard the median as a more representative measure of response time. The median response time was 9.2 months for the 1,068 FOIA cases completed during this reporting period. This means that 50% or 534 of the 1,068 FOIA cases closed during this reporting period took 9.2 months or longer to complete, while the remaining 50% or 534 cases closed took 9.2 months or less to complete. The mean or average response time for these 1,068 cases was 15.5 months. The discrepancy between the mean response time of 15.5 months and the median response time of only 9.2 months illustrates clearly the distortion in the response-time measure produced by our special efforts to clear old cases. More importantly, it shows how dramatically the response time can improve once the backlog of old cases is eliminated. This reduction in response time is most encouraging, and should show even more dramatic improvement in the next reporting period. We believe that is clearly what Congress intended when it enacted the new legislation.

Future Prospects

Our most spectacular success during this reporting period has been the steady decline in our backlog of cases. We expect this decline to continue and our overall backlog (FOIA, PA, and EO cases) to fall to well below 2,000 cases by the end of the third reporting period.

The backlog reduction alone will further improve our response time, especially the closing out of older cases. As these are completed, personnel who have been reviewing and coordinating mounds of documents containing essentially no releasable information will be freed to work on more current

cases. Furthermore, as our workload decreases, thus resulting in a lighter case load for each case officer, these officers will be able to devote more time and attention to monitoring the progress of current cases through the system, thus ensuring that the processing of each case moves steadily forward with no unnecessary delay. Continuous attention to each case as it moves through the processing system is yet another initiative planned by IPD to speed the processing of cases and reduce overall response time even further.

Another activity that is already affecting our response time favorably is the increase in our collection of material previously released under FOIA. This collection is managed and maintained by our newly formed Support Services Branch, and many new FOIA requests can be serviced directly on a nearly overnight basis from this collection. This means a faster response for many requesters without the time and expense of additional records search and review. As this collection expands, more requests can be completed in this way. We will be looking into newer technology as a means of making this system more responsive, and plans have already been made to add a contract librarian/indexer to our staff so that the collection of previously released materials can be organized and structured so as to be searchable in response to a wider variety of FOIA requests.

DC/IPD, (2 October 1985)

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Central Intelligence Agency



Washington, D.C. 20505

DD/A Registry

85-1273

9 APR 1985

The Honorable Dave Durenberger
Chairman
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

The enclosed report is submitted in compliance with the reporting requirements of the CIA Information Act of 1984. By agreement between our Office of Legislative Liaison and staff members of your committee and the House Permanent Select Committee on Intelligence, this initial report--due 15 April 1985--covers a five-month period in order to allow time for developing statistical data necessary for producing the report. Subsequent reports, due 15 October 1985, 15 April 1986, and 15 October 1986, will cover a full six months each.

Personnel of this Agency who are working on FOIA requests are making a strong and conscientious effort to comply with the Director's commitment to Congress. The results of their efforts thus far are encouraging and we are optimistic that our next report to you will show even more progress.

Sincerely,



Harry E. Fitzwater
Deputy Director
for
Administration

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Enclosure



F-105

Central Intelligence Agency

DD/A Registry

85-1273



Washington, D.C. 20505

9 APR 1985

The Honorable Lee H. Hamilton
Chairman
Permanent Select Committee
on Intelligence
House of Representatives
Washington, D.C. 20515

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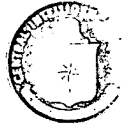


Harry E. Fitzwater
Deputy Director
for
Administration

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Enclosure

Central Intelligence Agency



Washington, D.C. 20505

DD/A Registry

85-1273

8 APR 1985

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Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

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Deputy Director
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Enclosure

Central Intelligence Agency



Washington, D.C. 20505

DD/A Registry

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Committee on Government Operations
House of Representatives
Washington, D.C. 20515

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Deputy Director
for
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Enclosure

Initial Report on FOIA Processing

Measures to Improve Processing

During the hearings prior to the passage of the CIA Information Act of 1984, the Director of Central Intelligence committed the Agency to improving the processing of Freedom of Information Act (FOIA) requests to the maximum extent possible and to effect a substantial reduction in the Agency backlog of requests. The file designations permitted by the Act were not fully in effect during this reporting period and have, therefore, had no impact on our accomplishments reflected in this initial report. As a result of the Director's commitment, however, several initiatives were undertaken and are already showing success. We have used this initial reporting period to revamp our supporting mechanisms and to identify ways our processing procedures can be made more efficient.

--Within the Information and Privacy Division (IPD)--the Coordinator's staff--personnel have been augmented by three annuitants rehired on a part-time basis. This additional help at the case officer level has enabled IPD to reduce its backlog of cases ready for final response to about one or two days' work.

--Additional equipment has been ordered for IPD to increase the staff's efficiency. This includes two more word processors, five more computer terminals, and related hardware.

--More up-to-date, ergonomically-designed furniture has been ordered to make better use of existing space, accommodate additional personnel, and increase the efficiency of the staff.

--Judicious use of overtime has been authorized to keep backlogs from developing within the Division and to maintain a smooth flow of work.

--A major change in the structure of the Division was accomplished by creating a branch to manage the support functions essential to the processing of cases. This branch is also required to maintain, monitor, and review existing case files on a continuing basis. This is designed both to speed up our processing and to increase its accuracy. Cases are now less likely to be misplaced or correspondence neglected, as is almost inevitable without such continuous tracking, given our large workload.

--Finally, in an effort to complete some of the oldest, problem cases, the Coordinator is initiating a series of regular conferences with the Information Review Officers of each directorate to determine why these cases are still open and to assign appropriate action to complete them.

Other components of the Agency have looked closely at their own organization and have made similar improvements and plans.

--The Office of General Counsel (OGC) has increased by one the number of attorneys devoted primarily to processing information requests and appeals, raising the total to three. OGC plans to hire an additional part-time paralegal and has made increased use of overtime.

--The Office of Legislative Liaison has hired a part-time professional who works entirely on FOIA, Privacy Act, and Executive Order information requests.

Budgetary and Personnel Allocations

It is not possible to calculate personnel or equipment devoted to FOIA processing alone, because FOIA requests are processed throughout the Agency by the same people who process Privacy Act (PA) requests and Executive Order (EO) 12356 mandatory review requests. The only way this can be approximated is by percentage of workload, and this changes daily. During 1984, for instance, FOIA requests constituted 54% of requests received, while PA and EO requests constituted 38% and 8%, respectively. This has not changed greatly over the years, but a gradual trend toward a higher percentage of FOIA requests has been evident in recent years.

There are 119 Agency personnel partially or entirely occupied with processing FOIA/PA/EO information requests. Of these, 86 are full-time staff, 16 are part-time staff, and 17 are rehired annuitants working two to three days per week. Based on the number of hours worked thus far this year, our manpower input would average 118.6 manyears if extrapolated for the full year. This is somewhat higher so far than the 114 manyears reported in our annual report to Congress for 1984. The estimated expenditure for personnel costs during this period was [redacted] This figure is based on an average professional grade of GS-12/1 and an average clerical grade of GS-06/1--the same formula used for our annual report. Based on the percentages given above, it is estimated that about [redacted] of this total was spent on FOIA.

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Workload Trends

The file designations allowed by the CIA Information Act of 1984 were not in effect for most of this reporting period and, as stated earlier, have not yet had an impact on our workload. The initiatives described above, however, have enabled us to reduce our backlog of FOIA/PA/EO cases requests by 392 cases. The following tabulation will illustrate this decline:

	<u>15 Oct 84</u> <u>Backlog</u>	<u>Cases</u> <u>Opened</u>	<u>Cases</u> <u>Closed</u>	<u>15 Mar 85</u> <u>Backlog</u>	<u>Net</u> <u>Reduction</u>
Total backlog	3,034	1,235	1,627	2,642	392
FOIA backlog	1,967	551	880	1,638	329

The reduction of our FOIA case backlog from 1,967 to 1,638--a reduction of 329--represents a decrease of about 17% in FOIA backlog.

Response Time

It is also too soon to see an impact of the file designations on our response time, but we have made some baseline calculations for future comparisons. For this purpose we reviewed all FOIA cases closed during the period 15 October 1983 to 14 October 1984 and recorded the number of months required for completion of each. We have done the same review of cases closed between 15 October 1984 and 14 March 1985, and will do so for each six-month period until October 1986. Our review indicates that the response time has improved slightly. For cases closed between 15 October 1983 and 14 October 1984, the average number of months required to complete a case was 14.9. For the period of 15 October 1984 to 14 March 1985 the average was 14.5 months.

Future Prospects

For your information, the Coordinator has instructed components that cases for which a search has already been made and review substantially completed are to be finalized with all documents treated in the final response, whether or not the records retrieved were retrieved from files now designated.

Even with operational files designated as exempt, there are major records systems that are still accessible under FOIA and which contain the intelligence product of the operational files.

Furthermore, all requests for information on himself/herself received from a U.S. citizen or permanent resident alien, whether requested under FOIA or PA, will be searched in all appropriate files, including those designated as exempt.

The net impact of the file designations permitted by the CIA Information Act of 1984 will be to reduce response time, not the amount of information released.

During the next reporting period the file designations should be fully implemented, and our recently purchased equipment and furniture should have arrived. In addition, we are considering rehiring up to three more annuitants on a part-time basis. While we made progress during this initial reporting period, we expect the measures described in this report to improve further our FOIA processing during subsequent reporting periods.

DC/IPD, (5 Apr 1985)

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